

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

CARLA GOODWIN)
)
 v.) NO. 3:05-0998
)
 CITY OF CLARKSVILLE)

TO: Honorable Aleta A. Trauger, District Judge

REPORT AND RECOMMENDATION

By order entered November 22, 2005 (Docket Entry No. 2), this civil action was referred to the Magistrate Judge for pretrial proceedings pursuant to 28 U.S.C. §§ 636(b)(1)(A) and (B) and Rule 72(b) of the Federal Rules of Civil Procedure.

The pro se plaintiff filed this action on November 18, 2006. The plaintiff complains of violations of the Fourth, Eighth, and Fourteenth Amendments to the United States Constitution. The record does not show that process has been served on the sole defendant named in this action¹, and no response to the complaint has been filed by the defendant.

Accordingly, the Court recommends that this action be dismissed. There is nothing which indicates that the defendant has been served with process within 120 days of the date this action was filed as required by Rule 4(m) of the Federal Rules of Civil Procedure. Rule 4(m) provides that, in the absence of a showing of good cause by the plaintiff for why service has not been timely made, the Court "shall dismiss" the action without prejudice.

¹ The Clerk noted that, when the plaintiff filed the lawsuit, no summons were issued, but that the plaintiff "took copies of summons."

RECOMMENDATION

Accordingly, the Court respectfully RECOMMENDS that this action be DISMISSED without prejudice as set out above.

ANY OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within ten (10) days of receipt of this notice and must state with particularity the specific portions of this Report and Recommendation to which objection is made. Failure to file written objections within the specified time can be deemed a waiver of the right to appeal the District Court's Order regarding the Report and Recommendation. See Thomas v. Arn, 474 U.S. 140 (1985); United States v. Walters, 638 F.2d 947 (6th Cir. 1981).

Respectfully submitted,



JULIET GRIFFIN
United States Magistrate Judge